

PATENT

Case Docket No. CIPLO.001A

Date: July 21, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Fernando Cipullo
Appl. No. : 10/670,936
Filed : September 25, 2003
For : GAME AND METHOD OF
PLAYING
Group Art Unit : 3711
Class/Sub-Class : 273-248000
Examiner : Mendiratta, Vishu K.

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

8-1-05

(Date)

Sabing H. Lee, Reg. No. 43,745

TRANSMITTAL LETTER

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing is the Issue Fee for the above-identified application:

- (X) Form PTOL-85.
- (X) A check in the amount of \$1,030 to cover the issue fee, publication fee, and advanced order of copies is enclosed.
- (X) Comments on the Examiner's Amendment and Statement of Reasons for Allowance
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.

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CERTIFICATE OF MAILING

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**COMMENTS ON THE EXAMINER'S AMENDMENT AND
STATEMENT OF REASONS FOR ALLOWANCE**

Mail Stop ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice of Allowance dated May 10, 2005. In that Notice, the Examiner provided for an amendment and reasons for the allowance. The Examiner's amendment is acceptable to the Applicant; however, Applicant respectfully objects to the reasons for the allowance to the extent that those reasons, as opposed to the elements of each claim, limit the scope of Claims 6-8 and 23-29.

In the Statement of Reasons for Allowance, the Examiner states that the above-captioned patent application is allowable because the prior art does not provide for, either alone or in combination, a method of playing a game having a game unit of at least a primary and a secondary game piece, rules allowing total number of spaces moved by all game pieces to equal the number on at least one playing card, one of the game pieces always staying within a predetermined distance from another game piece and including all other limitations of the independent claim 6. The Examiner also states that the above-captioned patent application is allowable because the prior art does not provide for, either alone or in combination, a method of playing a game having a game unit of at least a primary and a secondary game piece, game cards

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having images oriented in specific locations wherein the location of the image determines the rank of the card, rules allowing players to draw a card and determine according to the rank of the card which player to move a game piece, one of the game pieces always staying within a predetermined distance from another game piece and including all other limitations of the independent claim 7.

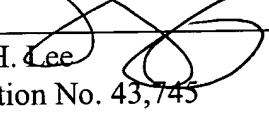
Applicant appreciates the Examiner's findings; however, the Statement is a summary as opposed to a direct recitation of the limitations of Claims 6 and 7. To the extent that the Statement implies that the patentability of Claims 6 and 7 rests strictly on that summary and/or that the patentability of the other claims (e.g. 8 and 23-29) rests on the specific limitations of Claims 6 and 7, Applicant respectfully disagrees with the Statement. The patentability of the claims does not rest on the recitation of a single feature, or the specific combination of certain features. It is the unique combination of features that makes the claims patentable. For instance, not all the features enumerated in Claims 8 and 23-29 are contained in either Claims 6 or 7; however, each of these claims recite a unique combination of features not taught or suggested by the prior art, and are thus patentable. Accordingly, Applicant respectfully submits that Claims 8 and 23-29, as well as Claims 6 and 7, are allowable because the prior art does not teach or suggest the combination of features recited by those claims.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8-1-05

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